

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:23-cv-00041-MR**

JACOB DOE,

Plaintiff,

vs.

**THE UNIVERSITY OF NORTH
CAROLINA SYSTEM, et al.**

Defendants.

ORDER

THIS MATTER is before the Court *sua sponte*.

In its Order granting in part and denying part the Defendants' Motions to Dismiss, the Court dismissed without prejudice the Plaintiff's negligent hiring, supervision, and retention claims on the grounds that pursuant to N.C. Gen. Stat. § 143-291, such claims for money damages could be brought only before the North Carolina Industrial Commission. [See Doc. 65 at 34-35]. On May 2, 2024, however, the Court of Appeals for the Fourth Circuit issued a decision in Wideman v. Innovative Fibers LLC, -- F.4th --, 2024 WL 1916759 (4th Cir. May 2, 2024), in which the Court held that a similar statutory provision, namely South Carolina's Workers' Compensation Law,


did not divest the federal district court of subject matter jurisdiction over the plaintiffs' state law claims.

In light of the Wideman decision, the Court hereby enters the following Order.

IT IS, THEREFORE, ORDERED that, within fourteen (14) days of this Order, the parties shall file briefs, not to exceed ten (10) pages, addressing the applicability of the Wideman decision to the present action.

IT IS SO ORDERED.

Signed: May 10, 2024



Martin Reidinger
Chief United States District Judge

